

Furlough Plan Activation Request Instructions

The Kansas Administrative Regulation that govern Furlough Leave without Pay is K.A.R. 1-14-11

The Request to Activate a Furlough Informational Plan is provided in writing to the Secretary of Administration, via the Director, Division of Personnel Services. In accordance with 1-14-11, unless otherwise requested by the appointing authority and approved by the Secretary of Administration, the affected employees shall be notified and the furlough shall be implemented within five days of the date that the approval is granted by the Secretary of Administration.

All Request to Activate a Furlough Informational Plan are to be submitted on form DA-319 - December 2002 and are to contain the information identified below.

Please Note: A blank Furlough Activation Request, DA-319 - December 2002, is available at the end of this document and on the Division of Personnel Services' Website. Spaces on the form may be expanded to meet agency needs.

Introduction

Identify agency and the specific Furlough Informational Plan the Request for Activation is related to. Specify the date the Furlough Informational Plan was submitted and the date the Furlough Informational Plan was approved by the Secretary of Administration.

If the approved Furlough Informational Plan is not being activated exactly as written and approved, changes, no matter how minor, and the reason for the changes are to be identified and explained. Changes may be documented on an updated Furlough Informational Plan.

Funding

Identify the cause of the funding shortage for the category of positions identified for furlough.

Implementation Date

Identify the implementation date of the furlough (indicate the beginning of the pay period).

Ending Date

Identify the proposed end date for the furlough.

Number of Furlough Hours Per Workday or Workweek

Provide the following specific information for each employee affected by the furlough. Employee name, official job title, position number, FLSA status, whether they are in the classified or unclassified service, if position is full or part time, exempt or non-exempt and the specific number of hours the standard workday or workweek will be reduced for each employee.

Notification To Employees

Identify the method for notifying the affected employees and the amount of advance notice that will be provided to those employees affected by the furlough

Estimated Cost Savings

Provide the savings anticipated by the implementation of the proposed furlough and the funding source (State General Fund, Federal Funds, or Other Funds) of the identified savings. Indicate if the dollar savings are identified by day, week, month, etc.

If Federal Funds are involved, identify the amount of Federal Funds and specify if any Federal Fund match will be lost as a result of the furlough.

Furloughs and FLSA

Exempt Employees

- FLSA allows public sector employers to make deductions from the salary of an otherwise exempt employee for specific reasons without the employee losing their exempt status, **except** in the workweek during which the deduction occurs, as provided for in 29 CFR 541.5d (b).
 - (b) Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid “on a salary basis” except in the workweek in which the furlough occurs and for which the employee’s pay is accordingly reduced.”

- The FLSA status for exempt employees who are furloughed must be temporarily switched to non-exempt status for the duration of the furlough and during that time, those employees are governed by all FLSA rules and regulations pertaining to non-exempt employees. This means that the employee could be furloughed in quarter-hour increments, not just in half or full-day increments since their FLSA status is changed to non-exempt during that week. The employee must be treated in all other respects as a non-exempt employee during these weeks. For example, the employee must fill out a time document for the week, must use leave in quarter hour increments and is eligible for overtime compensation should the employee exceed the overtime threshold. (See Bulletin No. 02-04)

Non-Exempt Employees

- FLSA provides that non-exempt employees who accrue compensatory time off in-lieu-of overtime pay shall be expected to use their accrued compensatory time unless doing so is unduly disruptive to the employer, as provided for in 29 CFR 53.25(d).

“Unduly disrupt. When an employer receives a request for compensatory time off, it shall be honored unless to do so would be “unduly disruptive” to the agency’s operation. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off. For an agency to turn down a request from an employee for compensatory time off requires that it should reasonably and in good faith anticipate that it would impose an unrealistic burden on the agency’s ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee’s services.”

- Employee requests to use accrued compensatory time to offset furloughed leave without pay shall not be approved for the designated hours or days of the furlough leave without pay.

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Notification To Employees

Estimated Cost Savings